

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

CR- 07-000020-001

September 7, 2007
3:10 p.m.

UNITED STATES OF AMERICA -v- ANTONIO MUNA MASGA

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding
SANAE SHMULL, Court Reporter
K. LYNN LEMIEUX, Courtroom Deputy
ERIC O'MALLEY, Assistant U. S. Attorney
JOSEPH CAMACHO, Counsel for Defendant
ANTONIO MUNA MASGA, Defendant

PROCEEDING: SENTENCING

Defendant was present with his counsel, Attorney Joseph Camacho. Government by Eric O'Malley, AUSA. Also present was U.S. Probation Officer, Margarita Wonenberg.

Court announced to all parties that, after reviewing the presentence investigation report, the sentencing would very likely be above the advisory guideline range. Defense counsel moved for a recess in order to discuss this matter with his client.

Court recessed at 3:15 p.m. and reconvened at 3:25 p.m.

Court adopted the presentence investigation report, and the addendum, and instructed the Clerk to file the reports, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal. No objection by the parties.

Government recommended a sentence of 18 months or more with conditions of supervision. Defense recommended a sentence at the low end of the guidelines.

Defendant made his allocution.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant **ANTONIO MUNA MASGA** is hereby sentenced to imprisonment for a term of **18 months**. While in prison, the defendant shall attend anger management programs; drug

rehabilitation programs and vocational and educational programs approved by the Bureau of Prisons. Upon release from imprisonment, the defendant is ordered to serve a term of supervised release of **three years**, which shall include the following conditions:

1. That the defendant shall not commit another federal, state or local offense;
2. That the defendant shall not unlawfully use or possess a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed eight tests per month, as directed by the U.S. Probation Officer;
3. That the defendant shall be prohibited from possessing a firearm or other dangerous weapon or have such weapon at his residence;
4. That the defendant shall refrain from the use of any alcohol;
5. That the defendant shall submit to the collection of a DNA sample at the direction of the United States Probation Office;
6. That the defendant shall comply with the standard conditions of supervision as adopted by this Court;
7. That the defendant shall participate in a program approved by the United States Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol;
8. That the defendant shall seek and maintain gainful employment; and
9. That the defendant shall perform 300 hours of community service under the direction of the United States Probation Office.

Further, the defendant was ordered to pay a special assessment fee of \$100.00. Pursuant to U.S. S. G. §5E1.2(e), all fines were waived since it has been determined that the defendant does not have the ability to pay a fine.

No objection to the sentence by the attorneys. Defendant was advised that he had a right to appeal and that he had ten days in which to do so. Further, the defendant was advised of his right to an attorney for appeal and that the Court will appoint an attorney if he could not afford one.

Defendant was remanded into the custody of the U.S. Marshal.

Adj. 3:55 p.m.

/s/ K. Lynn Lemieux, Courtroom Deputy